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PATENT
Customer No. 22,852
Attorney Docket No. 06502.0523-00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Sheng LIANG et al.

Application No.: 09/856,779

Filed: October 3, 2001

For: A METHOD FOR ENABLING
COMPREHENSIVE PROFILING OF
GARBAGE-COLLECTED MEMORY
SYSTEMS

ATTN: Petitions Office

Group Art Unit: 2187

Examiner: PEUGH, Brian R.

Mail Stop Petition

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RECEIVED

JUN 07 2004

Technology Center 2100

Sir:

PETITION TO WITHDRAW HOLDING OF ABANDONMENT

Applicants hereby petition the Commissioner for Patents, under the provisions of 37 C.F.R. § 1.181, to withdraw the holding of abandonment for the above-identified application. Applicants contend that the application is not in fact abandoned and, therefore, this petition under 37 C.F.R. § 1.181 is appropriate. See M.P.E.P. § 711.03(c) (8th ed. Feb. 2003). This petition is being filed within two (2) months of the mail date of the Notice of Abandonment (attached) and is thus timely under 37 C.F.R. § 1.181(f).

The Notice of Abandonment states that the present application is abandoned in view of Applicants' failure to timely file a reply to an Office letter dated August 27, 2003. However, Applicants note that they timely filed a Response to Restriction Requirement with a Petition for a One-Month Extension of Time, on October 27, 2003 in reply to the Office letter. A copy of the

reply and a date-stamped postcard showing receipt of the reply by the Office is attached. Accordingly, the holding of abandonment for the present application is clearly erroneous and Applicants respectfully request that the holding of abandonment be withdrawn.

As stated in M.P.E.P. § 711.03(c), this Petition does not require a fee. If there are any other fees due in connection with the filing of this Petition, however, including any fees required for an extension of time under 37 C.F.R. § 1.136, such an extension is requested, and the Commissioner is authorized to charge any related fees to Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: May 25, 2004

By: _____

Kenie Ho

Reg. No. 51,809

Attachments: Exhibit A – Copy of a Response to Restriction Requirement and Petition for Extension of Time filed at the PTO on October 27, 2003 with date-stamped postcard showing receipt by the PTO.

Exhibit B – Copy of Notice of Abandonment dated April 16, 2004.